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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/756,345	04/24/2001	Deane Dorwin McMillen		6668

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EXAMINER

TRIEU, VAN THANH

ART UNIT	PAPER NUMBER
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2636

DATE MAILED: 05/25/2004

19

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary



Application No.

09/756,345

Applicant(s)

MCMILLEN, DEANE DORWIN

Examiner

Van T Trieu

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4,7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4,7 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim 4 is rejected under 35 U.S.C. 102(b) as being anticipated by **Marek** [US 5,898,371].

Regarding claim 4, **Marek** discloses the mailbox 1 comprising: a mechanical detecting means of switch 11 arranged inside the box 1 to detect mail, newspaper or any object inside the box; and an indicating means 10 to activate optical light upon detecting of a newspaper inside the box 1 or to activate an indicating means 10 such as the acoustic indicator or with a mechanical flag indicator located remotely from the mailbox 1, such as inside a house so that the owner recognize that a newspaper has been delivered and he/she is not required to go outside to check the mailbox 1, see Figs. 1-13, col. 1, lines 15-28, col. 2, lines 21-55, col. 3, lines 28-36, col. 6, lines 26-67 and col. 7, lines 1-2.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Marek** [US 5,898,371] in view of **Mason** [US 5,377,906].

Regarding claim 7, but **Marek** fails to disclose the bulb, lens and reflector. However, **Marek** discloses the indicating means 10 or 90 such as a light source 80 mounted on the box 1 and to be activated when there is a letter or newspaper in the box, see Figs. 1, 13 and 14, col. 2, lines 20-39 and col. 6, lines 35-44. Therefore, it would have been obvious to one skill in the art to recognize that the indicating means light source of **Marek** including light bulb, lens and reflector for illuminating of the light source wherein the reflector will increase of brightness for attracting to nearby individuals. **Marek** also fails to disclose the visual monitor will blink on and off when the newspaper is delivered. However, **Marek** discloses of a constant illumination of the indicating means light source 80 when the letter or newspaper is delivered to the box 1. **Mason** suggests that a device for detecting and signaling the presence of an object in a closed container such as mailbox 10, comprising an optical signaling means LED or xenon strobes will be flashed when a letter is delivered to the mailbox 10. The flashing LED provides signal for easier detection by an observer in a remote location, see Figs. 1 and 3, col. 3, lines 58-68 and col. 4, lines 1-20. Therefore, It would have been obvious to one skill in the art at the time the invention was made to substitute the flashing light of **Mason** for the light source of **Marek** because the flashing light provides flashing signals for easier detection by an observer in a remote location up to 2000 yards.

3. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Marek** [US 5,898,371] in view of **Binkley** [US 4,868,543].

Regarding claim 8, but **Marek** fails to disclose the antenna mounted on the newspaper box and a receiver in the house, and when the newspaper is delivered, intermittent audio sound will be heard in the house. However, **Marek** teaches that the indicating means 10 could be an acoustic indicator that can be placed anywhere remote from the mailbox 1, see Fig. 1, col. 2, lines 35-39. **Binkley** suggests that a remote mailbox alarm system comprising a mailbox 10 and a home module 14. The mailbox 10 includes an RF transmitter 56 and antenna 40 for transmitting RF signal to a RF receiver 58 to generate audio sound via speaker 60 for alerting person when a mail is delivered in a mailbox 10, see Figs. 1, 3 and 4, col. 1, lines 64-68, col. 2, lines 1-6 and col. 4, lines 39-51. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the remote RF transmitting audio sound of **Binkley** for the indicating means of **Marek** because the indicating means can be placed anywhere remote from the mailbox. The remote RF transmitting audio sound provides a greater reliability when the mailbox is very far from the house.

Response to Arguments

4. Applicant's arguments filed on 15 September 2003 have been fully considered but they are not persuasive. Because,

Applicant's arguments:

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(A) **Marek** has nothing definite in his Mailbox Patent, no dimension, no definite parts, no electrical schematic, no resistors, no transistors.

(B) The United States Postal Service Postal Bulletin 22102 prohibit to use a Newspaper Box as a Mail Box.

Response to the Arguments:

(A) Examiner agrees that **Marek** does not detailing of dimensions and elements to build a Mail Box, but **Marek** discloses a general structure of Mailbox 1 having bottom plate 20, an opening 21, pivotally mounting member 30, axis 31, a projection 32, guiding plate 40, and some of electronic components such as power supply 9, micro switch or mechanical switch 11 and indicating means 10 shown in Figs. 1-4. Importantly, **Marek** indicates that his Mailbox is large enough to obtain either Letters or Newspaper, see col. 1, lines 17-18, col. 3, lines 28-37 and col. 6, lines 6, lines 59-66. Furthermore, the applicant does not claim the details dimensions and electronic components of the Mailbox.

(B) It is an open/free Intellectual Property for anyone to invent of new ideas such as a Mailbox that will be able to receive both or either of Letters and/or Newspapers as his/her desired to do so, such as the Mailbox 1 of **Marek** described in (A) above.

Therefore, the prohibiting of the U.S. Postal Service will not preventing or stopping of new ideas even though it is not allow to use for now, since the rules, regulations or laws may be changed time from time.